

Section 2:

Safer recruitment and selection

Introduction

As churches, we have a responsibility to make sure that those who care for children and vulnerable people in our midst are the right people. We need to be able to say to parents, carers and statutory authorities that we have done all we can to ensure that those who look after children and young people and vulnerable adults are safe and able to do their job.

We may feel that we know everyone within our community or that we don't want to turn away any willing volunteers, but we have a legal and moral responsibility to make sure that we have taken every reasonable step to ensure that children and vulnerable people are safe.

One key way we do this is by going through a safer recruitment process which carefully considers the suitability of each applicant, and is fair, transparent and applies to everyone. It follows therefore that leaders and workers, both paid and voluntary, and those holding a variety of other positions of trust and responsibility should undergo a thorough recruitment process. It can feel awkward to ask those we know to complete an application form or provide referees, but as people volunteer or apply for jobs, we need to make sure that they have the appropriate skills, access to support and training and that we have undertaken the appropriate background checks.

The recruitment process noted below is in line with current legislation and good practice guidance and has been the policy of the church as noted in our previous guidance, "For the Sake of Our Children". These updated guidelines are an opportunity to ensure that our current practice is in line with our policy and that we are confident that we are doing our utmost to safeguard children and vulnerable people in our midst.

‘Effective recruitment and selection of staff is essential to safeguarding children. Recruitment and the checks that are undertaken as part of this process are the organisations’ first chance to make robust efforts to prevent unsuitable individuals from working with children.’

Children’s Workforce Development Council, 2009

2.1 The safer recruitment process

1. The applicant* completes the Volunteer or Application Form (Form 1) This asks for information such as: Full name, address and contact details and previous experience of working with children, both as a volunteer or employee. Also details of church attendance, or working within the church and names of two independent referees who can testify to the applicant's employment history or his/her volunteering work with children and or vulnerable adults.

2. The applicant completes a Self-Declaration Form (Form 2)
The form will be kept securely by a named person within the church for three years. For those who will be working with vulnerable groups this form asks for details of any convictions or on-going criminal allegations, including convictions which are 'spent' under the Rehabilitation of Offenders Act 1974 in accordance with current legislation.

3. Applicants for an employed post should be **interviewed** formally, with potential volunteers interviewed informally, to ensure that they are compatible with the duties expected of them and understand their role and responsibilities.

4. Once you have agreed to appoint the applicant or volunteer, you should decide if they need to undertake a **Disclosure and Barring Service Check (DBS)**⁴ before they begin working directly with children or vulnerable adults. (For more information on regulated activity and checks see 2.3)

5. Obtain references from two independent referees (Form 4)
The referees should be told what the work in question involves, and asked to comment on the applicant's suitability.

6. Arrange appropriate training.
Workers need to learn about good general practice in working with children or vulnerable adults (as relevant to their role) and the expectations of their role. They also need to receive child protection and safeguarding vulnerable adults training, including clear information and guidelines on how to respond to any concerns. Appropriate training ensures that leaders and helpers recognise actions which could be misinterpreted, and situations which could leave them open to allegations. Information about suitable training opportunities is available from the Interdenominational Protection Panel Office.

⁴ Previously CRB.

Also note the following points:

- Consider ensuring that a potential volunteer has at least six months' previous involvement with the church community.
- Draw up appropriate guidelines in relation to tasks and duties, including details of accountability and support(see Appendix 2).
- Obtain at least one reference from someone who has experience of the applicant's paid or volunteer work. Ideally referees should have worked alongside the applicant. Where the applicant has no experience of such work, references should cover their character and relationships with others. Telephone references should be avoided. Written references should be followed up with a telephone conversation for clarification if needed. Doubts about an applicant's suitability should always be faced up to; any erring should always be on the side of caution.
- The appointment of employed staff and volunteers should be subject to successful completion of a probation period.
- Young people (14-15 years) can assist with activities, but regarded/treated as 'visitors'. They should always be supported and supervised.
- Young people (16-18 years) should be regarded/ treated as adults with the consent of their parents/ guardians and should go through the above process if involved in regular unsupervised work with vulnerable groups.

2.2 What is a Disclosure?

Disclosures enable organisations to check information about individuals that is held on national and local police records and confidential lists held by the Disclosure and Barring Service (DBS)⁵ on those unsuitable to work with children and/or vulnerable adults.

A disclosure application should be the **final stage** of the recruitment procedure. This means that an organisation will have already gone through a recruitment procedure and decided that they intend to appoint the applicant or volunteer, providing the disclosure certificate does not contain any information of concern. Changes in the DBS process firmly place the responsibility for taking appropriate recruitment steps on the organisation with a DBS check as one part of the process.

*“Before an organisation considers asking a person to make an application for a DBS check, they are legally responsible for ensuring that they are entitled to submit a check for the job role”.*⁶

The DBS guidelines do not allow us to check all those who work with children, young people or vulnerable adults as a matter of course. It is not possible to do a check “just in case” someone may be involved in work with vulnerable groups, but the actual role and level of contact with vulnerable people must be looked at in each case.

The Interdenominational Protection Panel countersigning officer must be able to confirm that the position is eligible under the current legal provisions before countersigning each application form. It is illegal for an organisation to seek information via a disclosure certificate which it is not entitled to know. For example, if an applicant self-discloses certain offences and as a result you decide that they should not work with children and/or vulnerable adults, it is unlawful to proceed with the disclosure just to check that what they have told you is correct.

In order to decide if a check needs to be undertaken, and if so, what level of check is appropriate it is essential to consider if the activity is regulated or not. It is only legal to do an Enhanced Disclosure with Barring Data if the position involves ‘Regulated Activity’.⁷ In fact, staff undertaking regulated activities must have a DBS check with barring done before working with vulnerable groups as the employer must take relevant steps to ensure that they are not employing a barred person.⁸

Where someone is working closely with vulnerable groups but does not fit the criteria of regulated activity it is possible to do an enhanced check without barring details if the activity or position was eligible for a check before the Sept 2012 changes.

⁵ CRB checks are now called DBS checks. The Interdenominational Protection Panel (‘IPP’) is responsible for conducting checks through the ‘DBS’ and will help you to decide what level of check is appropriate .

⁶ DBS eligibility guidance v2.1 – October 2013 <https://www.gov.uk/government/publications/dbs-check-eligible-position>

⁷ as defined by the Protection of Freedoms Act, 2012

⁸ Safeguarding vulnerable groups act 2006

2.3 What is Regulated and Non-Regulated Activity?

Regulated Activity: Is an activity that a barred person cannot do.

A. With CHILDREN

Regulated activity will involve:

1. Unsupervised Activities: such as teaching, supervising, training or providing personal care or advice/guidance on well-being.
2. Specified Establishments: including educational establishments, childcare premises and residential children's care homes.
3. Personal Care*: Washing and dressing, eating, prompting, drinking and toileting.
4. Health care* provided by any health care professional, or under the direction or supervision of one.
5. Registered Childminding* and Foster-Carers*.
6. Day to day management on a regular basis of a person providing a regulated activity.

With the exception of those marked * there is also a frequency condition to decide if an activity is regulated. The applicant needs to be involved in the activity:

- once a week or more
- 4 or more days in a 30-day period or
- overnight between 2am - 6am with the opportunity for face-to-face contact

Therefore an occasional helper would not be classed as working in a regulated activity unless they are helping with personal care or health care. Helping with personal care only once would be classed as regulated activity.

B. With ADULTS

The definition of 'Regulated Activity' concentrates on the activities provided as situations in which an adult will be considered vulnerable at that particular time. This means that adults are not labelled as 'vulnerable' per se because of their personal characteristics, circumstances or the location in which the activity is received.

There are six categories within the new definition of regulated activity:

1. Health care: provided by a health care professional or under the supervision of one.
2. Personal care: Washing and dressing, eating, drinking and toileting.
3. Social work.
4. Assistance with Household Affairs: Anyone who provides day to day assistance to an adult because of their age, illness or disability, where it includes managing the person's cash, paying the person's bills, or shopping on their behalf.
5. Assistance with the Conduct of Affairs: Power of attorney/Deputies appointed under the Mental Capacity Act.
6. Transporting an adult for health, personal or social care due to age, illness or disability. There is no specified establishment or frequency requirement for adults as there is with children.

Typically regulated activity could include the following types of work but this may vary dependant on local circumstances or role:

- Minister
- Sunday school supervisor
- Sunday school teacher (who is not always supervised or who is involved in helping young or disabled children with toileting)
- Youth work leader
- Crèche worker
- Pastoral visitor who helps with transport to hospital or finance or shopping

Non-regulated activity

Where a worker or volunteer is in a role that involves substantial access to vulnerable groups but does not meet the 2012 definition of 'Regulated Activity' as noted above, there remains provision for an employer to request an enhanced disclosure excluding barring list status.

This may include:

- Sunday school helper (always supervised)
- Trustee (not involved in specific activity with vulnerable groups)
- Youth group helper (always supervised)

(See also 2.5)

2.4 What level of Disclosure and Barring Service(DBS) check should I do?

If a **Children's worker** is unsupervised and/or is involved in personal care and works weekly or intensively e.g. holiday club. If an **Adults worker** is helping with personal care and/ or transport to medical appointments and/or has direct involvement in finances. This is regulated activity.

An enhanced check with barring details is needed

If someone is involved in work similar to above but is **always supervised** or only **works occasionally**. This is usually non-regulated activity.

An enhanced check without barring details can be done

If someone has a purely administrative role and has no direct contact with vulnerable people as noted above and is not supervising others in such roles.

A DBS check is not usually needed

Not sure if a check is needed or what level is appropriate

Contact the:
Interdenominational
Protection Panel office
(01745) 817584
Or email post@
paneldiogelwch
.org.uk

2.5 Examples of roles and their eligibility for DBS checks

It is not possible to produce a definitive list because of variations in supervision and activity locally but the following examples⁹ may be useful in assisting you to make your decision. As a general rule the eligibility is based on the actual work undertaken not because of a job title.

- A **Sunday School worker** on a rota would be in a Regulated Activity if they work unsupervised every week, or more, or if they physically assist children with going to the toilet (on one occasion or more). If they work less than this, they would still be eligible for an enhanced DBS check without a check of the barred lists, whether or not they are always supervised.
- A **crèche worker** who physically assists young children with going to the toilet (on one occasion or more) would be in Regulated Activity.
- **Purely administrative roles** e.g. Church Administrator or Treasurer are not eligible for a Disclosure as they do not work directly with vulnerable groups. Disclosures should not be sought for those who handle sensitive or confidential information (unless they are supervising those working in Regulated Activity).
- If a **trustee, deacon or elder** supervises or takes part in regulated activity, they will need an enhanced DBS with barring list check. This is because of their direct involvement in regulated activity, not because of the title of trustee, deacon or elder. However, as trustees were eligible for an enhanced disclosure pre 2012, it is still possible for them to do an enhanced disclosure without barring.
- A church worker who **visits** housebound people and on occasions is asked to do some shopping or pay a bill on their behalf is engaging in Regulated Activity and would need an enhanced check with barring details.
- A church worker who is part of a group of volunteers that **drive church members to their GP surgery** or hospital appointments is working in Regulated Activity.
- The volunteers who are part of the **rota to bring church members** who would otherwise be unable to attend church, are not engaging in Regulated Activity as Church services are not covered by the Protection of Freedoms Act – unless they collect Care Home residents, in which case they would be in Regulated Activity.
- A counsellor who receives referrals from a Health Care Professional will be in Regulated Activity. If the counsellor does not receive referrals but works with children or vulnerable adults, they will be eligible for an enhanced DBS check without a check of the barred list.
- A **luncheon club/food bank or street outreach** (e.g. Street Pastors) whose workers just serve food, drinks, or have a friendly chat with those they work with will not be in a Regulated Activity with adults unless they are giving professional counselling/health care or personal care to adults.
- **Prayer teams** whose members pray with/for adults and children in a public area/town centre type setting are not in Regulated Activity nor do they qualify for an enhanced DBS check. If, however, their job role includes praying with a child/children frequently or intensively in an unsupervised setting, this would be Regulated Activity.

⁹ Based on CCPAS guidance (sourced October 2013)

2.6 Disclosure and Barring Service (DBS) application process

A recruitment process has taken place and a decision to appoint a volunteer or worker has been made.

If the church or body responsible for the appointment decides that the position requires a DBS check they inform the Interdenominational Protection Panel ('IPP'). If unsure they should seek advice from the IPP.

The worker/volunteer will receive a DBS disclosure application pack through the post from the IPP or from a local verifier.¹⁰

The worker/volunteer completes the DBS form and makes an appointment with a local verifier to show proof of identity documents noted in the application pack. The verifier will check identity documents and complete the verifier's form with the applicant before forwarding it to the IPP to be countersigned and sent to the DBS.

The worker/volunteer receives their Disclosure Certificate directly from the DBS. Note that since 17th June 2013 a single certificate is issued to the applicant and not to the IPP. If an applicant wishes to dispute any information shown on the Certificate he/she must contact the DBS directly.

The worker/volunteer must send the original Certificate (not a copy) to the IPP. Until this has been done the check is not completed for employment or volunteering purposes. The IPP notes the Disclosure certificate number and returns it to the applicant. The church or body responsible for the appointment is then informed that the process has been completed and the worker may begin work.

Any blemished disclosure will be referred to the Panel (see below). The fact that a conviction has been disclosed will not necessarily prevent someone from working or volunteering.

The worker/volunteer may subscribe to the Update Service (optional) within 14 days of the date of the Certificate (This will enable the applicant to complete one DBS check which can be used for a number of posts – certain exemptions may apply).

¹⁰ The IPP has a team of verifiers across Wales who are able to check identity documents locally to facilitate the DBS process. They will ask some simple questions about each role to help the countersignatory to confirm eligibility for a check before returning the form to the IPP office

2.7 Blemished Disclosures

(One showing convictions, cautions, reprimands or final warnings, or information from the Police)

Each blemished disclosure will be referred to a confidential panel of people with relevant expertise and experience which is facilitated by the Interdenominational Protection Panel.

Having a criminal record will not necessarily prevent someone from working or volunteering

The panel ensures that all individuals with a blemished record are treated fairly and confidentially

The Panel will receive anonymised information about the crime and any other relevant information. Some crimes make it unlawful for a person to work with children and/or vulnerable adults and the Panel will write to the individual to explain that it is not lawful for him/her to continue in the job. In other cases the Panel looks at mitigating or other information and makes a decision as to the applicant's suitability to do the job in light of the information disclosed.

Frequently the Panel advises that there is no specific risk related to the disclosure and the individual is able to proceed with the work. In some cases the Panel may advise that the individual can work or volunteer but may make recommendations or offer advice. For example, in the case of a disclosure relating to fraud, the Panel may advise that the individual does not handle money in relation to his/ her volunteering or work.

Where the decision is not to proceed, the General Secretary of the denomination will be notified and the IPP will contact the church to offer advice.

The Panel will write to the individual in each case, to explain the outcome of the panel.

